

REMARKS

Applicant respectfully requests consideration of the subject application. This Response is submitted in response to the Office Action mailed May 22, 2008. Claims 1-21 are pending. Claims 10-12 are objected to. In this Amendment, claims 1-21 have been withdrawn, claims 22-63 are new. No new matter has been added.

Claim Objections

The Examiner objected to claims 10-12 because they depend from claim 9 which does not meet the statutory requirements of 35 U.S.C. § 101.

Claims 1-21 have been withdrawn.

Applicant, accordingly, respectfully requests withdrawal of the claim objections.

35 U.S.C. § 112 Rejections

The Examiner has rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 9 has been withdrawn.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 112.

U.S.C. § 101 Rejections

The Examiner has rejected claim 9 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 has been withdrawn.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 101.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Cheung, et al., (U.S Patent Publication No.: 2003/0028529, hereinafter “Cheung”).

These claims have been withdrawn. New claims 22-60 include the limitations of combining local data, sales category mapping and ranking in a unique manner that is not suggested by Cheung.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

35 U.S.C. §103 Rejections

The Examiner has rejected claims 13-21 under 35 U.S.C. § 103(a) as being unpatentable over Leishman, et al., (U.S Patent Publication No.: 2004/0073538, hereinafter “Leishman”) in view of Cheung.

These claims have been withdrawn. New claims 22-60 include the limitations of combining local data, sales category mapping and ranking in a unique manner that is not suggested by Leishman in view of Cheung.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (650) 798-0320.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
SONNENSCHN NATH & ROSENTHAL LLP

Date: October 20, 2008 / *Stephen M. De Klerk* /
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